

REMARKS

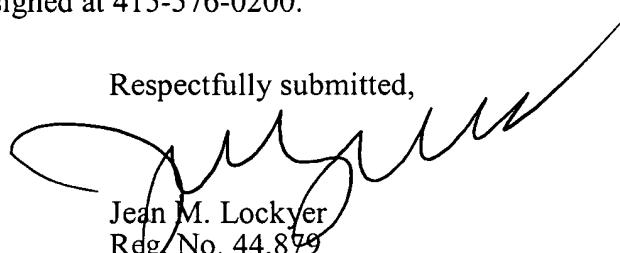
With entry of the instant amendment, claim 1 has been amended and new claim 15 has been added. New claim 15 recites that the biological sample is breast tissue. This amendment adds no new matter and is supported throughout the application as filed, e.g., at paragraph 3.

In response to the restriction requirement, Applicants elect Group I, claims 1-6 and 15, relating to a method of detecting a breast cancer cell in a biological sample by detecting a nucleic acid sequence encoding a polypeptide having the sequence set forth in SEQ ID NO:2.

The foregoing election, insofar as it relates to the restriction among different method claims, is made with traverse. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. (See, the MPEP at 803.01.) In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Here, a search of the subject matter of elected Group I would likely encompass the subject matter of Groups IV, VII, X, and XIII. Accordingly, these groups could be searched together without undue burden. Applicants therefore respectfully request reconsideration of the restriction requirement.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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